

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING - MINUTES  
APRIL 28, 2015 – 7:30PM  
GOSHEN TOWN HALL – 42 NORTH STREET**

**PRESENT:** Chairman Don Wilkes, Cynthia Barrett, Stephen Cooney, Lu-Ann Zbinden; Alternates Garret Harlow and Mark Harris; Town Planner and Zoning Enforcement Officer Martin Connor, AICP.

**EXCUSED:** Russell Hurley.

**1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.**

Chairman Don Wilkes called the meeting to order at 7:30PM. All regular members present were seated for the evening. Alternate Mark Harris was seated for Russ Hurley. The proceedings were recorded digitally, and copies are available in the Land Use Office.

**2. PUBLIC HEARINGS:**

The Recording Secretary read into the record the legal notices for both public hearings.

**A. Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone.**

Mr. Connor informed the Commission that the public hearing would have to be continued in order to obtain the required report from the Inland Wetlands Commission. Additionally, the Commission had not yet received a report from their engineering consultant regarding the revised plans for this application.

Bill Colby, PE, then addressed the Commission and submitted proof of notice to abutting neighbors. Mr. Colby reviewed the maps and plans for the existing property as well as the proposed new use. He explained that the existing Quonset hut would be removed and in its place an 80-foot x 40-foot restaurant would be constructed with decks at the front and back of the building. Development would largely be contained to the already disturbed parking area. In order to ensure adequate site lines onto Route 4, the entrance to the site was proposed to be relocated more to the west. Mr. Colby explained that this was ultimately subject to Department of Transportation approval.

The required parking would be located to the front and west of the proposed restaurant building. Two water quality basins were proposed in order to treat stormwater onsite; these would be located to the north and south of the proposed parking on the west side of the building. Water at the front of the property would be routed into a basin along Route 4. Two grease traps would be installed at the back of the restaurant building as required by State law, and a 1000-gallon pump chamber would also be located behind the building. The leaching field would be located north of the building, along Beech Hill Road. Mr. Colby then submitted for the record a copy of the approval letter from the State of CT Department of Public Health. He also submitted a copy of the lighting plan for the site as well as information regarding the specific lights proposed to be used onsite.

At this time, Rosemary Aldridge, the applicant's landscape architect, addressed the Commission to review the landscaping plan. Ms. Aldridge stated that the old entrance to the site would be seeded and grassed. An old stone wall at the front of the property would be restored as well. She recommended removing any invasive plant species within the area of development, particularly at the front of the property. Native trees at the front of the property would also be preserved. Ms. Aldridge said that border of mixed shrubs would be planted at the front of the property to act as a buffer between the road and the front parking area.

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Ms. Aldridge stated that the detention basins would be planted with a grass seed mix appropriate to detention basins as well as perennial plants. Berry-producing shrubs would also be planted in these areas. Red maples and native shrubs would be planted in islands in the parking areas. The dumpster onsite would be screened with three evergreen trees. The cut slope to the east of the restaurant building would be seeded with grass and a wildflower mix; an erosion control blanket would also be placed. The leaching field area would also be seeded with a grass and wildflower mix suited to gravelly soils common in septic fields.

Hearing no comments or questions from the Commission, Mr. Wilkes opened the floor to public comment. Peter Grasauskas, owner of Goshen Oil, addressed the Commission to state his support for the proposal.

Attorney Robert Fisher, Goshen resident, also addressed the Commission to express his support for the project. Attorney Fisher stated that he believed Goshen needed to encourage more family-owned businesses such as proposed in this application. He also stated that, in his legal opinion, the proposal met the requirements of the Town of Goshen Zoning Regulations for the Center Business Zone.

The Commission agreed to continue the matter of **Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone** to the May 26, 2015 regular meeting.

**B. Colby Goshen Gravel Bank, LLC, Lot Located at the Southwest End of Turkey Hollow Lane (Assessor's Map #07-008-031-00) – Special Permit per Section 2.4.4C of the Zoning Regulations to Expand Nonconforming Use of Building (Construct Addition to Existing Equipment Storage & Repair Shed).**

Bill Colby, PE, addressed the Commission regarding this matter and submitted proof of notice to abutting neighbors. Mr. Colby explained that, if the previous application for 171 Torrington Road was approved, he would need a new location at which to store his equipment. He therefore wished to remove the existing shed at this site and in its place construct a 24-foot by 24-foot (576 square foot) storage shed. This proposal was for an expanded shed that would be 50% larger than the existing shed.

Mr. Connor explained that, as Mr. Colby's nonconforming use of this building had been properly registered in 1989, he was therefore entitled to apply for a 50% expansion of the nonconforming use by special permit. The existing building at this site was 384 square feet. The Commission reviewed maps and plans for the site, as well as a picture of the proposed new building. Mr. Colby stated that there would be no heat or electricity in the shed; however, he might wish to use the space above for light storage. Mr. Connor read into the record his report on this application, and he noted that there were no regulated activities in conjunction with this application; he recommended approval of the application. While no septic system or water supply was proposed as a part of this application, Mr. Connor explained that the Torrington Area Health District would still be asked to sign off on this application.

Hearing no further comments or questions from the Commission, Mr. Wilkes opened the floor to public comment. No one present in the audience expressed a desire to speak.

**MOTION** Mr. Harris, second Mr. Cooney, to close the public hearing in the matter of **Colby Goshen Gravel Bank, LLC, Lot Located at the Southwest End of Turkey Hollow Lane (Assessor's Map #07-008-031-00) – Special Permit per Section 2.4.4C of the Zoning Regulations to Expand Nonconforming Use of Building (Construct Addition to Existing Equipment Storage & Repair Shed)** at 7:55PM; unanimously approved.

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**MOTION** Mr. Cooney, second Ms. Zbinden, to amend the agenda to add item #5A - **6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations**; unanimously approved.

### **3. READING OF THE MINUTES:**

#### **A. February 24, 2015 regular meeting.**

**MOTION** Ms. Barrett, second Ms. Zbinden, to approve the minutes of the February 24, 2015 regular meeting as written; unanimously approved.

### **4. OLD BUSINESS:**

#### **A. Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone.**

No business was discussed as this matter was tabled to the May 26, 2015 regular meeting.

#### **B. Colby Goshen Gravel Bank, LLC, Lot Located at the Southwest End of Turkey Hollow Lane (Assessor's Map #07-008-031-00) – Special Permit per Section 2.4.4C of the Zoning Regulations to Expand Nonconforming Use of Building (Construct Addition to Existing Equipment Storage & Repair Shed).**

Mr. Wilkes explained that he had originally been concerned about the proximity of the location of this building to the property line; however, he had misunderstood its proposed location. As a result, he no longer had this concern. Mr. Connor noted that the State was the largest neighbor to Mr. Colby's property, and given its remote location, he did not believe that this would have any real residential impact.

**MOTION** Mr. Harris, second Ms. Zbinden, to approve the application in the matter of **Colby Goshen Gravel Bank, LLC, Lot Located at the Southwest End of Turkey Hollow Lane (Assessor's Map #07-008-031-00) – Special Permit per Section 2.4.4C of the Zoning Regulations to Expand Nonconforming Use of Building (Construct Addition to Existing Equipment Storage & Repair Shed)**; unanimously approved.

### **5. NEW BUSINESS:**

#### **A. 6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations.**

Mr. Connor explained that the applicant wished to see three uses added to the list of permitted uses for the Center Business Zone – ground floor apartments, bus parking, and contractor storage. Mr. Connor noted that all uses permitted in the Center Business Zone were by special permit only and would therefore be subject to a public hearing and the required submission of a site plan. Mr. Harlow questioned whether indoor or outdoor storage was proposed. Mr. Connor stated that he was not sure; however, if outdoor storage was desired then the Commission would want to have provisions for proper screening.

The applicant, Mark Greenberg, arrived to the meeting at 8:05PM. Mr. Connor explained that the current regulations only permitted apartments on the second floor in the Center Business Zone; however, this made it difficult to develop senior housing. Mr. Connor stated that this might be a good opportunity to create options for senior housing in the Town Center, and this would also be by special permit approval.

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The Commission briefly discussed the Zoning requirements that stated that space used for apartments must clearly be secondary to space used for business purposes. Mr. Connor explained that, as this was a proposed Zoning Text Amendment, it was required to submit a copy of the proposal to the regional Council of Government. Mr. Connor explained that he had already done so via email.

**MOTION** Mr. Harris, second Mr. Cooney, to accept the application in the matter of **6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations** and to schedule a public hearing for the May 26, 2015 regular meeting; unanimously approved.

### **6. ZONING ENFORCEMENT OFFICER'S REPORT:**

The Commission reviewed the report of the Zoning Enforcement Officer's activities from February 25<sup>th</sup> through April 28<sup>th</sup>.

**MOTION** Ms. Zbinden, second Ms. Barrett, to accept the Zoning Enforcement Officer's Report for the period from February 25, 2015 through April 28, 2015; unanimously approved.

### **7. CORRESPONDENCE:**

No business was discussed.

### **8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

#### **A. 2006 Plan of Conservation & Development Update.**

Mr. Connor informed the Commission that the Conservation Commission had prepared an Open Space Plan. He recommended adding this matter to the agenda of the June regular meeting so that members of the Conservation Commission could attend the meeting and review their report with the PZC.

### **8. ADJOURNMENT:**

**MOTION** Ms. Zbinden, second Mr. Cooney, to adjourn at 8:30PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik  
Recording Secretary